

Declaration of all e-Scooters to not be motor vehicles

Background

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In 2005, the Road User Rule 2004 (RUR) was amended to include a definition of a 'wheeled recreational device'. The intent was to make allowance for the likes of e-Scooters to be used primarily on the footpath without licencing, registration or certification impost.

The definition includes all devices with auxiliary propulsion motors or motors with a maximum power output of 300W and wheel sizes less than 355mm.

e-Scooters are a traditional push scooter, which contain a motor that kick starts as the device begins to move. The power output of the motor at 300W means they fit within the scope of a wheeled recreational device.

Problem

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However, the Land Transport Act was not amended to accommodate and accordingly considers recreational devices to be motor vehicles (mopeds) and as such requiring Licencing, Registration and Entry Certification. This also means a driver licence is required to ride.

Of late, companies such as Flamingo and Lime have approached the Agency to understand the legal considerations of introducing an urban ridesharing service using e-Scooters.

There is currently no process or service available to licence, register or certify an e-Scooter as these would not meet applicable (moped) standards.

s9(2)(g)(i)

Current Status

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Since the introduction of the wheeled recreational device, e-Scooter take up has significantly increased.

The users/owners are private individuals. There are presently no commercial entities using e-Scooters.

Some commercial entities have looked at using e-Scooters for staff mobility within urban centres but have been put off by the licencing and certification requirements.

All e-Scooters currently being used are technically illegal exposing the users to enforcement action and fines.

Ride-share Model

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e-Scooter rental companies are now becoming common across America and Europe. These companies allow users to pay a small base fee to hire the e-scooter and from there, the user is charged by the minute.

These are being advertised as an environmentally friendly way to get people moving through urban centre, aiding users to travel the 'last mile' from a bus or train station.



Environment

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Potentially one e-Scooter user displaces one car and accordingly contributes to reducing urban vehicle congestion.

The forms of power are the physical person and an electric motor; this means that noxious gas emissions eliminated.

Safety

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The Road User Rule prescribes responsible behaviour.

Despite the potential for attainment of higher speeds (up to 30KPH) there are no records of serious e-Scooter accidents in New Zealand.

s9(2)(g)(i)

Recommendation

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The Agency use established powers within the Land Transport Act to declare e-Scooters to not be motor vehicles. This will eliminate the requirements to register, licence, and entry certify. Also, the requirement to have drivers licence to operate.

Support by MoT to include a sunset clause of 5 years. This is consistent with the Legislation Design and Advisory Committee recommendations.

Work with MoT to change legislation to exclude e-Scooters from being motor vehicles.

Precedence

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The Agency has previously declared Power-assisted Cycles to not be a Motor Vehicle in 2013, with the requirement that the cycle needs at least two wheels, designed primarily to be propelled by the rider and with a maximum power output not exceeding 300W.

Risk

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This could shine the light on other recreational devices including: hovercraft, skateboard, roller skates and the like. However this risk is deemed to be low and outweighs the benefit of allowing e-Scooter legality.

MoT view

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The Ministry supports the Agency making a declaration that e-scooters are not motor vehicles under section 168A of the Land Transport Act 1998.

Declaration Process

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For the Agency to use it's powers to declare e-Scooters to not be a motor vehicle, a Gazette notice must be published and then tabled in Parliament by the 16th sitting day after the date of publication on the New Zealand Gazette Office website.

Allowing for a Legal review, it is expected that once approved, a Gazette notice could be published within 10 working days.

What's Next?

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The Agency will prepare a communications package to support the changes, including updating the NZTA website. Councils will be informed and interested parties will be advised.

Legislative Context

